

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DENNIS LAMONT CATES,)	
)	
Petitioner,)	
)	1:14CV152
v.)	1:09CR426-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On February 26, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 41 and 42.) Petitioner timely filed objections (Doc. 43) to the Recommendation. On March 31, 2014, Petitioner filed a corrected Motion to Vacate, Set Aside, or Correct Sentence (1:14CV268/1:09CR426-1, Doc. 44), which is proceeding on the court's docket.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that this action be, and is hereby, dismissed without prejudice to Petitioner promptly filing a

corrected motion on the proper § 2255 forms, correcting the defects set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 14th day of May, 2014.


United States District Judge